

Application No.: 09/837,911

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Docket No.: 495152000111

**REMARKS/ARGUMENTS**

In an Office Action dated October 6, 2004, claims 110-159 were rejected. By this amendment, claims 113 and 142 have been amended. Applicant respectfully requests reconsideration of the pending claims.

I. Continued Examination under 37 CFR 1.114

Applicant thanks the Examiner for entering the request for continued examination filed on July 14, 2004. Applicant also thanks the Examiner for granting the rejoinder of claims 142-159.

II. Claim Rejections – 35 USC § 112

Claims 113-118 and 131-159 were rejected under 35 U.S.C. 112, second paragraph. In particular, independent claims 113 and 142 were rejected as being indefinite because of the reliance of the structure of the claimed apparatus on the substrate to be process.

Independent claims 113 and 142 have been amended to recite that the substrate is a semiconductor wafer. Applicants assert that claims 113 and 142 are definite because standard sizes of semiconductor wafers are used in the semiconductor industry (the current standard size is 300 mm). While the standard size of semiconductor wafer may change in the future, the scope of claims 113 and 142 would be clear to one skilled in the art.

In particular, MPEP 2173.05(b) relates to determining definiteness of "Relative Terminology." MPEP 2173.05(b) states, "[a] claim may be rendered indefinite by reference to an object that is variable." MPEP 2173.05(b) cites to a Board of Patent Appeal & Interferences case (*Ex parte Brummer*, 12 USPQ2d 1633), which held that a claim to a bicycle that recited "said front and rear wheels so spaced as to give a wheelbase that is between 58 percent and 75 percent of the height of the rider that the bicycle was designed for" was indefinite because the relationship of parts was not based on any known standard for sizing a bicycle to a rider, but on a rider of unspecified build." In contrast to the reference to a rider in *Ex parte Brummer*, as noted above, there is a

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standard for semiconductor wafer sizes in the semiconductor industry. Thus, Applicant asserts that claims 113 and 142 are definite.

III. Claim Rejections – 35 USC § 103

Claims 110, 113, 115, 116, 118, 119, 122-127, 129-132, 137-139, 141-145, 153-155 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,176,667 (the Fairbairn patent) and U.S. Patent No. 6,497,801 (the Woodruff patent).

Claims 111, 112, 114, and 146-149 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Fairbairn patent in view of the Woodruff patent and in further view of U.S. Patent No. 5,882,498 (the Dubin patent).

Claim 117 was rejected under 35 U.S.C. 103(a) as being unpatentable over the Fairbairn patent in view of the Woodruff patent and in further view of U.S. Patent No. 6,477,440 (the Davis patent).

Claims 128 and 140 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Fairbairn patent in view of the Woodruff patent and in further view of U.S. Patent No. 5,925,227 (the Koybayashi patent).

Claims 151 and 152 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Fairbairn patent in view of the Woodruff patent and in further view of the Dubin patent and the Koybayashi patent.

Claims 120, 121, 133-135, 156-158 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Fairbairn patent in view of the Woodruff patent and in further view of U.S. Patent No. 5,522,975 (the Andricacos patent).

Claims 136 and 159 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Fairbairn patent in view of the Woodruff patent and in further view of the Andricacos patent and the Electroplating Engineering Handbook.

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Applicants assert that the Woodruff patent is not prior art to the present application. In particular, the present application claims the benefit of U.S. Provisional Application Serial No. 60/074,466, filed February 12, 1998. Thus, Applicants request that the rejections under 35 U.S.C. 103(a) using the Woodruff patent be withdrawn.

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IV. Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and/or the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 495152000111. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 6, 2005

Respectfully submitted,

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